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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/537,842	06/06/2005	Vittorio Orlandi	207,020	8600
7590	12/29/2006		EXAMINER	
Jay S Cinamon Abelman Frayne Schwab 666 Third Avenue 10th Floor New York, NY 10017-5621			BEFUMO, JENNA LEIGH	
			ART UNIT	PAPER NUMBER
			1771	
SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE		
3 MONTHS	12/29/2006	PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/537,842	ORLANDI, VITTORIO	
	<b>Examiner</b>	<b>Art Unit</b>	
	Jenna-Leigh Befumo	1771	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED. (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 06 June 2005.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-15 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1 and 3-15 is/are rejected.  
 7) Claim(s) 2 is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO/SB/08)  
     Paper No(s)/Mail Date 6/06.
- 4) Interview Summary (PTO-413)  
     Paper No(s)/Mail Date. \_\_\_\_\_.  
 5) Notice of Informal Patent Application  
 6) Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Response to Amendment***

1. The Amendment submitted on June 6, 2005, has been entered. Claims 4, 6, 7, 9, and 11 – 14 have been amended. Therefore, the pending claims are 1 – 15.

### ***Claim Objections***

2. Claim 2 is objected to because of the following informalities: the term “span-bonded” is misspelled. It appears that the applicant meant spun-bonded fibers. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 4, 5, and 13 – 15 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

5. The phrase “weight/surface ratio” in claim 4 is indefinite. First, it is not clear how this measurement is a ratio since it has units. Further, it is unclear what is being measured for the weight and surface features. For purposes of examination, the numbers will be interpreted as basis weight based on the units used in the claim. Claim 5 is similarly rejected.

6. Claim 13 and 14 are rejected because it is unclear if the applicant is claiming a method or product in these claims. The preamble recites “manufacture”. It is unclear if the preamble is limiting the claim to a product or process. Further, the claims themselves do not recite any specific structural or method limitations to clarify what is being claimed. For purposes of examination, the claims are interpreted as any product that can be made from the woven fabric. These claims are only reciting

what the fabric is capable of being used as and the limitations do not further limit the woven structure recited in the parent claims.

7. Claim 15 is indefinite. The claim does not clearly identify the what or where the trimmings come from and how they are manipulated before the weaving steps. The only positively recited method limitations are drawn to weaving the strips into a fabric. Thus, any prior art that only teaches weaving strips of fabric to form a woven textile will read on the claim.

***Claim Rejections - 35 USC § 102***

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

9. Claims 1, 3, 6 – 8, and 11 – 15 are rejected under 35 U.S.C. 102(b) as being anticipated by Brown (2,961,011).

Brown discloses a woven fabric made from paper threads (column 1, lines 15 – 25). The paper strips are twisted together with other paper strips and wound transparent or translucent bands of plastic material (column 1, lines 45 – 50). The paper strips are made from nonwoven materials, thus they correspond to the applicant's nonwoven fabric. The paper strips are made from cellulose and pulp materials. Thus, claims 1, 3, 6 – 8, and 12 – 15 are anticipated.

With regards to claim 11, the limitation that the nonwoven fabric is obtained from processing weight is a method limitation that is not given patentable weight, at this time, in the product claim. The final products would still be a woven fabric comprising nonwoven warp and/or weft yarns.

***Claim Rejections - 35 USC § 103***

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claims 4 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brown.

The features of Brown have been set forth above. Brown fails to teach the basis weight of the woven fabric. However, it would have been obvious to one having ordinary skill in the art at the time the invention was made to choose the claimed basis weight, since it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art. *In re Aller*, 220 F.2d 454, 105 USPQ 233 (CCPA 1955). One of ordinary skill in the art would optimize the weight of the fabric, to provide good coverage, appearance, and feel, while minimizing the cost of the fabric by limiting the amount of material used in the fabric. Thus, claims 4 and 5 are rejected.

12. Claims 9 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brown.

The features of Brown have been set forth above. Brown discloses a woven fabric made with twisted strips of plastic and paper. Thus, one of ordinary skill in the art would choose strips having a width which is sized such that the strips can be easily twisted together. It would have been obvious to one having ordinary skill in the art at the time the invention was made to choose strips with a width between 1 and 10 cm, since it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art. *In re Aller*, 220 F.2d 454, 105 USPQ 233 (CCPA 1955). Thus, claims 9 and 10 are rejected.

***Allowable Subject Matter***

13. Claim 2 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
14. The following is a statement of reasons for the indication of allowable subject matter: the prior art fails to teach or fairly suggest using strips of nonwoven fabrics made by hydroentangling, thermal bonding, or spunbonding as the warp or weft yarns in a woven fabric.

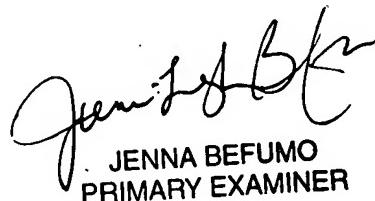
***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jenna-Leigh Befumo whose telephone number is (571) 272-1472. The examiner can normally be reached on Monday - Friday (8:00 - 5:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Terrel Morris can be reached on (571) 272-1478. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

jlb  
December 26, 2006



JENNA BEFUMO  
PRIMARY EXAMINER